

1 AN ACT in relation to transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Automated Traffic Control Systems in Highway Construction or
6 Maintenance Zones Act.

7 Section 5. Purpose. The purpose of this Act is to increase
8 safety in highway construction or maintenance zones.

9 Section 10. Establishment of automated control systems.
10 The Department of State Police may establish an automated
11 traffic control system in any construction or maintenance zone
12 established by the Department of Transportation or the Illinois
13 State Toll Highway Authority. An automated traffic control
14 system may operate only during those periods when workers are
15 present in the construction or maintenance zone.

16 Section 15. Definitions. As used in this Act:

17 (a) "Automated traffic control system" means a
18 photographic device, radar device, laser device, or other
19 electrical or mechanical device or devices designed to record
20 the speed of a vehicle and obtain a clear photograph or other
21 recorded image of the vehicle and the vehicle's registration
22 plate while the driver is violating traffic laws in the State
23 of Illinois. The photograph or other recorded image must also
24 display the time, date, and location of the violation. A law
25 enforcement officer is not required to be present or to witness
26 the violation.

27 (b) "Construction or maintenance zone" means an area in
28 which the Department of Transportation or the Illinois State
29 Toll Highway Authority has determined that the preexisting
30 established speed limit through a highway construction or

1 maintenance project is greater than is reasonable or safe with
2 respect to the conditions expected to exist in the construction
3 or maintenance zone and has posted a lower speed limit with a
4 highway construction or maintenance zone special speed limit
5 sign in accordance with Section 11-605 of the Illinois Vehicle
6 Code.

7 (c) "Owner" means the person or entity to whom the vehicle
8 is registered.

9 Section 20. Penalties. The penalties for and consequences
10 of a traffic violation recorded by an automated traffic control
11 system are the same as for any similar violation of the
12 Illinois Vehicle Code.

13 Section 25. Limitations on the use of automated traffic
14 enforcement systems.

15 (a) The Department of State Police must conduct a public
16 information campaign to inform drivers about the use of
17 automated traffic control systems in highway construction or
18 maintenance zones before establishing any of those systems. The
19 Department of State Police shall adopt rules for implementing
20 this subsection (a).

21 (b) Signs indicating that speeds are enforced by automated
22 traffic control systems must be clearly posted in the areas
23 where the systems are in use.

24 (c) Operation of automated traffic control systems is
25 limited to areas where road construction or maintenance is
26 occurring.

27 (d) Photographs obtained in this manner may only be used as
28 evidence in relation to the offense for which the photograph is
29 taken. The photographs are available only to the owner of the
30 vehicle, the offender and the offender's attorney, the
31 judiciary, the local State's Attorney, and law enforcement
32 officials.

33 (e) If the driver of the vehicle cannot be identified
34 through the photograph, the owner is not liable for the fine,

1 and the citation may not be counted against the driving record
2 of the owner. If the driver can be identified, the driver is
3 liable for the fine, and the violation is counted against his
4 or her driving record.

5 Section 30. Requirements for issuance of a citation.

6 (a) The vehicle, vehicle registration plate, speed, date,
7 time, and location must be clearly visible on the photograph or
8 other recorded image of the alleged violation.

9 (b) A Uniform Traffic Citation must be mailed or otherwise
10 delivered to the registered owner of the vehicle. If mailed,
11 the citation must be sent via certified mail within 6 business
12 days of the alleged violation, return receipt requested.

13 (c) The Uniform Traffic Citation must include:

14 (1) the name and address of the vehicle owner;

15 (2) the registration number of the vehicle;

16 (3) the offense charged;

17 (4) the time, date, and location of the violation;

18 (5) the first available court date; and

19 (6) notice that the basis of the citation is the
20 photograph or recorded image from the automated traffic
21 control system.

22 (d) The Uniform Traffic Citation issued to the violator
23 must be accompanied by a written document that lists the
24 violator's rights and obligations and explains how the violator
25 can elect to proceed by either paying the fine or challenging
26 the issuance of the Uniform Traffic Citation.

27 Section 35. Response to issuance of a citation.

28 (a) A person issued a citation under this Act may respond
29 to the citation in person or by any method allowed by law.

30 (b) If the registered owner responds within 30 days and
31 submits proof that the driver of the vehicle was not a family
32 member or did not have the registered owner's permission to use
33 the vehicle, the citation may be dismissed at the discretion of
34 the State's Attorney.

1 Section 40. Admissibility of recorded images. Except as
2 provided in Section 45, any photograph or other recorded image
3 evidencing a violation is admissible in any proceeding
4 resulting from the issuance of the Uniform Traffic Citation.
5 Photographs or recorded images made by an automatic traffic
6 control system are confidential and shall be made available
7 only to the defendant and to governmental or law enforcement
8 agencies within the jurisdiction for the purposes of
9 adjudicating a driving violation.

10 Section 45. Vehicle rental or leasing company's
11 identification of a renter or lessee.

12 (a) A Uniform Traffic Citation issued under this Act to a
13 motor vehicle rental or leasing company shall be dismissed with
14 respect to the rental or leasing company if:

15 (1) the company responds to the Uniform Traffic
16 Citation by submitting, within 30 days of the mailing of
17 the citation, an affidavit of non-liability stating that,
18 at the time of the alleged speeding or other traffic
19 violation, the vehicle was in the custody and control of a
20 renter or lessee under the terms of a rental agreement or
21 lease; and

22 (2) the company provides the driver's license number,
23 name, and address of the renter or lessee.

24 (b) A Uniform Traffic Citation dismissed with respect to a
25 motor vehicle rental or leasing company in accordance with
26 subsection (a) may then be issued and delivered by mail or
27 other means to the renter or lessee identified in the affidavit
28 of non-liability.

29 Section 90. The Illinois Vehicle Code is amended by
30 changing Section 11-605 as follows:

31 (625 ILCS 5/11-605) (from Ch. 95 1/2, par. 11-605)

32 Sec. 11-605. Special speed limit while passing schools or

1 while traveling through highway construction or maintenance
2 zones.

3 (a) For the purpose of this Section, "school" means the
4 following entities:

5 (1) A public or private primary or secondary school.

6 (2) A primary or secondary school operated by a
7 religious institution.

8 (3) A public, private, or religious nursery school.

9 On a school day when school children are present and so
10 close thereto that a potential hazard exists because of the
11 close proximity of the motorized traffic, no person shall drive
12 a motor vehicle at a speed in excess of 20 miles per hour while
13 passing a school zone or while traveling on a roadway on public
14 school property or upon any public thoroughfare where children
15 pass going to and from school.

16 For the purpose of this Section a school day shall begin at
17 seven ante meridian and shall conclude at four post meridian.

18 This Section shall not be applicable unless appropriate
19 signs are posted upon streets and highways under their
20 respective jurisdiction and maintained by the Department,
21 township, county, park district, city, village or incorporated
22 town wherein the school zone is located. With regard to the
23 special speed limit while passing schools, such signs shall
24 give proper due warning that a school zone is being approached
25 and shall indicate the school zone and the maximum speed limit
26 in effect during school days when school children are present.

27 (b) No person shall operate a motor vehicle in a
28 construction or maintenance zone at a speed in excess of the
29 posted speed limit when workers are present and so close to the
30 moving traffic that a potential hazard exists because of the
31 motorized traffic.

32 (c) Nothing in this Chapter shall prohibit the use of
33 electronic speed-detecting devices within 500 feet of signs
34 within a special school speed zone or a construction or
35 maintenance zone indicating such zone, as defined in this
36 Section, nor shall evidence obtained thereby be inadmissible in

1 any prosecution for speeding provided the use of such device
2 shall apply only to the enforcement of the speed limit in such
3 special school speed zone or a construction or maintenance
4 zone.

5 (d) For the purpose of this Section, a construction or
6 maintenance zone is an area in which the Department, Toll
7 Highway Authority, or local agency has determined that the
8 preexisting established speed limit through a highway
9 construction or maintenance project is greater than is
10 reasonable or safe with respect to the conditions expected to
11 exist in the construction or maintenance zone and has posted a
12 lower speed limit with a highway construction or maintenance
13 zone special speed limit sign.

14 Highway construction or maintenance zone special speed
15 limit signs shall be of a design approved by the Department.
16 The signs shall give proper due warning that a construction or
17 maintenance zone is being approached and shall indicate the
18 maximum speed limit in effect. The signs shall also state the
19 amount of the minimum fine for a violation when workers are
20 present.

21 (d-1) A local agency may delegate to its superintendent of
22 highways the authority to set and post a reduced speed limit
23 for a construction or maintenance zone under subsection (b). If
24 a superintendent of highways sets a reduced speed limit for a
25 construction or maintenance zone in accordance with this
26 subsection (d-1), the local agency must maintain a record that
27 indicates (i) the location of the construction or maintenance
28 zone, (ii) the reduced speed limit set and posted for the
29 construction or maintenance zone, and (iii) the dates during
30 which the reduced speed limit was in effect.

31 (e) A first violation of this Section is a petty offense
32 with a minimum fine of \$150. A second or subsequent violation
33 of this Section is a petty offense with a minimum fine of \$300.

34 (f) When a fine for a violation of subsection (a) is \$150
35 or greater, the person who violates subsection (a) shall be
36 charged an additional \$50 to be paid to the unit school

1 district where the violation occurred for school safety
2 purposes. If the violation occurred in a dual school district,
3 \$25 of the surcharge shall be paid to the elementary school
4 district for school safety purposes and \$25 of the surcharge
5 shall be paid to the high school district for school safety
6 purposes. Notwithstanding any other provision of law, the
7 entire \$50 surcharge shall be paid to the appropriate school
8 district or districts.

9 For purposes of this subsection (f), "school safety
10 purposes" includes the costs associated with school zone safety
11 education and the purchase, installation, and maintenance of
12 caution lights which are mounted on school speed zone signs.

13 (g) When a fine for a violation of subsection (b) is \$150
14 or greater, the person who violates subsection (b) shall be
15 charged an additional \$50. The \$50 surcharge shall be deposited
16 into the Transportation Safety Highway Hire-back Fund.

17 (h) The Transportation Safety Highway Hire-back Fund is
18 created as a special fund in the State treasury. Subject to
19 appropriation by the General Assembly and approval by the
20 Secretary, the Secretary of Transportation shall use all moneys
21 in the Transportation Safety Highway Hire-back Fund to hire
22 off-duty Department of State Police officers to monitor
23 construction or maintenance zones.

24 (Source: P.A. 91-531, eff. 1-1-00; 92-242, eff. 1-1-02; 92-619,
25 eff. 1-1-03; 92-780, eff. 8-6-02; revised 8-22-02.)